

Paper 30

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Filed 23 July 2007

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MIRNA RAPP  
Junior Party  
(Application 09/869,031),

V.

ARMIN PRASCH  
and  
BERNHARD LUY  
Senior Party  
(Patent 6,596,318).  
Patent Interference No. 105,541)  
(Technology Center 1600)

**Judgment - Request for Adverse - Bd. R. 127(b)**

*Before: SCHAFER, TIERNEY, and MOORE Administrative Patent Judges.*

**MOORE, *Administrative Patent Judge.***

Junior Party Rapp has filed a request for entry of adverse judgment (Paper 25) against its claims which correspond to the Counts.

Upon consideration of the request, it is

10 ORDERED that judgment on priority as to Count 1 (Paper 1, page 4) is  
11 awarded against Junior Party Mirna Rapp.

12 FURTHER ORDERED that Junior Party Mirna Rapp is not entitled to a

1 patent containing claims 25-28, 37, 52, and 54-57 (corresponding to Count 1) of:

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3 U.S. Patent Application 09/869,031  
4 filed 16 October 2001.

5 FURTHER ORDERED that judgment on priority as to Count 2 (Paper 1,  
6 page 4) is awarded against Junior Party Mirna Rapp.

7 FURTHER ORDERED that Junior Party Mirna Rapp is not entitled to a  
8 patent containing claims 43-49, 53, 59-63, and 67-73 (corresponding to Count 2)  
9 of:

10 U.S. Patent Application 09/869,031  
11 filed 16 October 2001.

12 FURTHER ORDERED that as there is a settlement agreement, attention  
13 shall be directed to 35 U.S.C. § 135(c).

14 FURTHER ORDERED that a copy of this JUDGMENT shall be placed in  
15 the files of (1) application 09/869,031 and (2) U.S. Patent 6,596,318.

1 FURTHER ORDERED that the Clerk is directed to distribute the files upon  
2 entry of this JUDGMENT.

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1 cc (via email):

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